

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
155**

**SEXUAL CRIMES AND SEXUAL MISCONDUCT: PREVENTION, REDUCTION
AND INVESTIGATION**

Supersedes: AR 155 (new)
Effective date: 05/08/08

AUTHORITY: NRS Chapter 179D; NRS 200.364 – 200.3774; NRS Chapter 209; NRS 212.187; Prison Rape Elimination Act [P.L. 108-79]

RESPONSIBILITY

1. All Department employees are responsible to know and comply with this regulation.
2. The Victim Services Unit (VSU) is responsible for:
 - A. training all department staff, contractual employees, and inmates regarding this regulation and applicable laws;
 - B. serving as the primary contact between the Department and other local, state and federal victim assistance programs, including non-profit and community-based programs;
 - C. compiling information concerning the issue of sexual assault. This may include assembling resource materials, conducting research and obtaining available grant funding; and
 - D. developing operational procedures including processes, protocols, forms, checklists, and any other documentation needed to implement this regulation.

155.01 TRAINING AND PREVENTION

1. VSU staff shall develop preventive measures to be taken to ensure that all staff and inmates are aware of the issues of inmate-on-inmate sexual activity and staff-on-inmate sexual misconduct.
2. All new employees shall receive pre-service training related to the prevention, detection, response to and investigation of inmate-on-inmate sexual activity.
3. All current employees shall receive refresher training related to any developments of federal and state laws, and department policies and procedures related to the issue of inmate-on-inmate sexual activity.

155.02 RESPONSE AND INVESTIGATION OF SEXUAL ASSAULTS

1. An inmate[s] may report sexual activity to any employee by informing a staff member in any manner available to him, verbally, or in writing to include utilizing the Emergency Grievance Form, DOC-1564, as outlined in AR 740, Inmate Grievance Procedure, or the Inmate Request Form, DOC-3012.
2. Any employee that receives a report of sexual activity or possible sexual assault, whether verbally or in writing, shall immediately notify the shift commander.
 - A. A Staff Report [DOC-028] shall be completed by the reporting staff member utilizing the incident log screens in the Nevada Offender Tracking Information System [NOTIS].
 - B. An Incident Report [DOC-019] shall be completed by the supervisor utilizing the incident log screens of NOTIS.
3. The shift supervisor shall ensure that the alleged inmate/victim and aggressor are immediately physically separated, either through the placement of one or both inmates in segregation or some other effective means in accordance with AR 507, Administrative Segregation, or AR 509, Protective Segregation.
4. Notifications, evidence preservation, and investigations should be carried out per institutional and Inspector General (IG) OP's.
 - A. AR 458, Crime Scene Procedures, shall be followed during the course of the investigation of the alleged sexual activity.
5. The inmate/victim shall be referred to mental health professionals at the institution for at least one consultation.

155.03 REPORTING STAFF ON INMATE SEXUAL MISCONDUCT

1. Any employee who becomes aware of or reasonably suspects that another employee is involved in an unauthorized relationship has an affirmative duty to immediately report any such knowledge or suspicion to their immediate supervisor or the IG.
2. Allegations of an unauthorized relationship, sexual conduct, or sexual assault by staff should be investigated by the IG per AR's 121, 339 and 340.
3. Inmates should report any knowledge or suspicion of an unauthorized relationship.
4. Any employee who fails to report knowledge of, or withholds information concerning, an actual or potential unauthorized relationship may be subjected to disciplinary action, up to and including dismissal, in accordance with the Department's regulations.

5. Employees are to cooperate fully by providing all pertinent information during the investigation. Failure of an employee to answer any inquiry fully and to the best of their knowledge will be grounds for disciplinary action.

6. The Inspector General will notify the Attorney General's Office of all instances of potential criminal violations pursuant to AR 708, Referral for Criminal Prosecution.

A. Any support by local law enforcement agencies and hospitals [such as investigation, lab tests, evidence collection, etc.] should be documented on the referral to the Attorney General and shall be accompanied by any and all reports, lab tests, hospital records, and interviews.

7. False accusations of sexual assault or unauthorized relationships may subject the accusing employee to disciplinary action in accordance with the Department's regulations.

155.04 INMATE SEXUAL ACTIVITIES

1. NRS 212.187 prohibits all consensual sexual activity among inmates. None will be permitted.

2. If an inmate is caught engaging in this type of activity, the following will be done:

- A. both inmates will be immediately placed in segregation;
- B. they will be listed in NOTIS as separates;
- C. notices of charges will be written for both inmates by staff for an MJ 30, Sexually Stimulating Activity;
- D. an investigation should be carried out per institutional and IG OP's; and
- E. a referral for prosecution will be prepared and submitted to the IG for submission to the Attorney General.

3. Staff will not allow inmates caught engaging in sexual activity to become cellmates at a later time.

155.05 TRACKING AND PROSECUTION OF SEXUAL ACTIVITY AND SEXUAL MISCONDUCT

1. The referral for prosecution established in AR 155.03, paragraph 6 should be monitored by the IG as an incident in NOTIS.

2. The VSU should develop a monthly report of instances of sexual assault and sexual misconduct for the Director, Deputy Director of Operations, and the IG.

3. The VSU shall work with local, state and national agencies and organizations to develop evaluation and tracking instruments as well as statistical information, including but not limited to the annual surveys conducted by the Bureau of Justice Statistics.

155.06 TREATMENT OF VICTIMS AND OFFENDERS OF SEXUAL ACTIVITY

1. Medical personnel shall ensure that all inmate victims of sexual assault are provided the opportunity for follow-up care to include, but not be limited to:
 - A. STD testing
 - B. HIV/AIDS testing
 - C. Hepatitis testing
 - D. Pregnancy testing, if applicable
 - E. Mental Health services
2. An aggressor convicted of a sexual assault while incarcerated will be considered a sex offender by statute and subject to the requirements of NRS 179D.
3. An aggressor convicted of a sexual assault while incarcerated should be seen by the Department's Psychological Review Panel pursuant to AR 813.
 - A. An inmate victim of sexual assault should be given the opportunity to write the Psychological Review Panel concerning the crime committed.
4. Staff should arrange for aggressors convicted of sexual assault to be given the opportunity to participate in all treatment programs offered by the Department for sex offenders that do not endanger the security of the institution.

155.07 FALSE ALLEGATIONS

1. Any inmate who files a false allegation of sexual assault or sexual activity against another inmate or staff member should receive a notice of charges pursuant to AR 707.
2. The notice of charges can include a request for restitution, when applicable.

155.08 CONFIDENTIALITY ISSUES

1. All case records associated with claims of sexual assault, including incident reports, investigation reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are confidential.
2. Violation of confidentiality regulations and procedures may result in disciplinary action.

155.09 APPLICABILITY

1. This regulation requires an Operational Procedure at all institutions.
2. This regulation requires an Operational Procedure within the IG's office and the VSU.
3. This regulation requires an audit.

REFERENCES

ACA Standards 4-4133, 4-4231, 4-4249, 4-4250, 4-4251, 4-4253, 4-4254, 4-4256, 4-4273, 4-4284, 4-4351, 4-4371, 4-4389, 4-4406

Prison Rape Elimination Act [P.L. 108-79]

AR 154

AR 457

AR 458

AR 507

AR 509

AR 707

AR 708

AR 740

Howard Skolnik, Director

Date